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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: FODSTAD ET AL. Examiner: B. NGUYEN
Serial No.: 08/881,393 Group Art Unit: 1641
Filed: JUNE 24, 1997 Docket: 7885.33USD1
Due Date: MARCH 14, 1999
Title: METHOD FOR DETECTION OF SPECIFIC TARGET CELLS IN SPECIALIZED OR MIXED CELL POPULATION AND SOLUTIONS CONTAINING MIXED CELL POPULATIONS

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on March 10, 1999.

By: *Lori Stuart*
Lori Stuart

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Species Election Requirement mailed September 14, 1998, Applicants respectfully request election of the following species and consideration of the remarks below. Applicants make this species election with traverse.

The Examiner asserted that Applicants must elect one type of cell, either normal or malignant. Applicants elect malignant cells.

The Examiner asserts that Applicants must elect one type of antigen from a list of those recited in claims 34 and 36-40. Applicants respectfully submit that each of the antigens recited in claims 34, 36, 37 and 38 is a cancer antigen and that it would not be unduly burdensome for the Examiner to search and examine the general class of cancer antigens. In the event that the Examiner maintains the assertion that the antigens are patentably distinct, Applicants respectfully elect as an antigen cancer cells of the gastrointestinal tract as recited in claim 38.

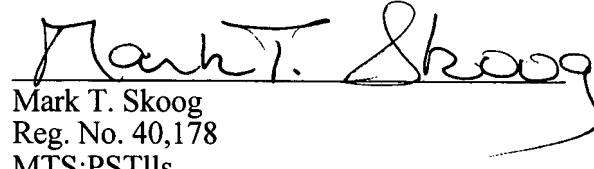
Applicants acknowledge that each of claims 17-33 and 41-42 are generic and that the species election requirement will take effect only if no generic claim is found allowable.

It is believed that the claims as presented are in condition for allowance and speeding notification of that effect is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that prosecution of this application can be advanced thereby.

Respectfully submitted,

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Date: March 10, 1999


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